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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,917	09/15/2003	Iqbal Jami	4-2	2734

7590 03/28/2008
Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

HO, HUY C

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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03/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,917

Applicant(s)

JAMI ET AL.

Examiner

HUY C. HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-8 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/04/2008 has been entered.

Response to Arguments

Applicant's arguments filed 02/04/2008 have been fully considered but they are not persuasive.

The argued features, i.e., "determining whether or not the shared channels are to operate such that acknowledgement of receipt is sent on receiving data" and "deciding to make the transfer, dependent upon said determination whether or not the shared channels are to operate such that an acknowledgement of receipt is sent on receiving data" read upon Winberg in view of Helmersson and further in view of Wallentin as follows.

Winberg is discussing channel switching method in UMTS system, wherein switching between common or shared channel (FACH/RACH) and dedicated channel (DCH/DSCH) depending on traffic volume and other parameters such as data buffer levels, channel throughput, then making adjustments to the parameters for switching between common or dedicated channels. In one example, the common channel is monitored to see if it is busy with data transferring (see page 6 lines 23-32), thus Winberg discloses "determining whether or not the shared channels are to operate" and "deciding to make the transfer, dependent upon said determination whether or not the shared channels are to operate such that an acknowledgement of receipt is sent on receiving data"

Winberg does not specifically show "an acknowledgement of receipt is sent on receiving data", however, it is noticeable Winberg discusses the parameters are used for determining of the switching are modified in response to the previous message of data in or out of the user equipment device (see

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page 4 lines 4-18) and Winberg discloses the layer 2 structure of Figure 1 that consists of Radio Link Control entities which provide reliable data transfer in the network (see page 1 lines 20-30), thus this discloses a dynamic response of data transmission and data receipt. Wallentin is discussing method for dynamically adapting a connection state in a mobile system, where different types of radio channels such as common/shared channels and dedicated channels are selected based on traffic parameters such as connection bit rate, propagation delay, buffer size, etc., (see the abstract, col 7 lines 64-67, col 8 lines 1-36, col 9 lines 10-47), Wallentin comes to disclose the acknowledgement of received data packets transmitted from a packet buffer to the UTRAN system (see col 7 lines 43-61), thus Wallentin discloses an acknowledgement of receipt is sent on receiving data.

Since both Winberg and Wallentin teach method and system for channel switching in UMTS system, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg's teachings, and have an acknowledgement of receipt is sent on receiving data, taught by Wallentin, to improve the system discussed by Winberg (see page 1 lines 10-32, page 2 lines 1-30).

As a result, the argued features are written such that they read upon the cited references.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

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invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winberg (GB 2369003) in view of Helmersen (WO 02/067606) and further in view of Wallentin et al. (6,347,091).

Consider claim 1 (Currently Amended) Winberg discloses a method of transfer of a call connection connecting a telecommunications base station and a mobile user terminal between dedicated channels in both directions therebetween and shared channels in both directions therebetween (see the abstract), comprising:

determining the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween (page 2 lines 23-30, page 4 lines 20-25, page 5 lines 15-30);

determining a value of a measured parameter of the signals between the base station and the user terminal (page 2 lines 20-30, page 4 lines 12-18); and

deciding to make the transfer, dependent upon said value and upon said amount or rate (page 2 lines 23-30, page 4 lines 20-25, page 5 lines 15-30, page 7 lines 20-21);

and upon said determination whether or not the shared channels operate such that of receipt is sent on receiving data (page 2 lines 1-30, page 3 lines 1-32, page 4 lines 1-21).

determining whether or not the shared channels are to operate (discussing common channels

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are used by mobile stations for sending and receiving data, the switching between common channel and dedicated channel is determined and controlled by the Radio Resource Controller RRC in the Radio Network Controller RNC based on variety of factors such as traffic volume measurements, buffer level measurements, data throughput measurements; page 3 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly; page 3 lines 23-32, page 4 lines 1-21, discussing RNC determines switching between allocated channels based on relevant parameters specifically allocated to a user mobile station).

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see page 7 lines 20-21). Helmerson discloses signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmerson teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmerson, to improve the system and method for facilitating resource allocation, as discussed by Helmerson (see page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, as modified by Helmerson, does not specifically show "an acknowledgement of receipt is sent on receiving data", however, it is noticeable Winberg discusses the parameters are used for determining of the switching are modified in response to the previous message of data in or out of the user equipment device (see page 4 lines 4-18) and Winberg discloses the layer 2 structure of Figure 1 that consists of Radio Link Control entities which provide reliable data transfer in the network (see page 1 lines 20-30), thus this discloses a dynamic response of data transmission and data receipt. Wallentin is discussing method for dynamically adapting a connection state in a mobile system, where different types of radio channels such as common/shared channels and dedicated channels are selected

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based on traffic parameters such as connection bit rate, propagation delay, buffer size, etc., (see the abstract, col 7 lines 64-67, col 8 lines 1-36, col 9 lines 10-47), Wallentin comes to disclose the acknowledgement of received data packets transmitted from a packet buffer to the UTRAN system (see col 7 lines 43-61), thus Wallentin discloses an acknowledgement of receipt is sent on receiving data.

Since both Winberg, Helmerston and Wallentin teach method and system for channel switching in UTRAN system, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg's teachings, as modified by Helmerston, and have an acknowledgement of receipt is sent on receiving data, taught by Wallentin, to improve the system discussed by Winberg (see page 1 lines 10-32, page 2 lines 1-30).

Consider claim 6, (Currently Amended) Winberg discloses a telecommunications system comprising a base station and a mobile user terminal, the base station and the user terminal being in use in call connection over dedicated channels or shared channels (see page 1 lines 10-33),

the base station comprising decision means, a channel allocator, and a processor (page 1 lines 10-33, page 5 lines 15-28),

the decision means being operative to control transfer of the call connection by the channel allocator between the dedicated channels and the shared channels dependent upon (page 2 lines 10-30, page 3 lines 28-32, page 4 lines 1-6):

a first input signal to the decision means indicating the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween (page 2 lines 23-30),

a second input signal to the decision means indicating the value of a measured parameter of the signals between the base station and the user terminal, the parameter being the parameter value being determined by the processor (page 2 lines 20-30, page 4 lines 12-18), and

a third input signal to the decision means indicating whether or not the shared channels are to operate such that of receipt is sent on receiving data (discussing common channels are used by mobile stations for sending and receiving data, the switching between common channel and

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dedicated channel is determined and controlled by the Radio Resource Controller RRC in the Radio Network Controller RNC based on variety of factors such as traffic volume measurements, buffer level measurements, data throughput measurements; page 3 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly; page 3 lines 23-32, page 4 lines 1-21, discussing RNC determines switching between allocated channels based on relevant parameters specifically allocated to a user mobile station).

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see page 7 lines 20-21). Helmerson discloses signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmerson teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmerson, to improve the system and method for facilitating resource allocation, as discussed by Helmerson (see page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, as modified by Helmerson, does not specifically show "an acknowledgement of receipt is sent on receiving data", however, it is noticeable Winberg discusses the parameters are used for determining of the switching are modified in response to the previous message of data in or out of the user equipment device (see page 4 lines 4-18) and Winberg discloses the layer 2 structure of Figure 1 that consists of Radio Link Control entities which provide reliable data transfer in the network (see page 1 lines 20-30), thus this discloses a dynamic response of data transmission and data receipt. Wallentin is discussing method for dynamically adapting a connection state in a mobile system, where different types of radio channels such as common/shared channels and dedicated channels are selected based on traffic parameters such as connection bit rate, propagation delay, buffer size, etc., (see the

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abstract, col 7 lines 64-67, col 8 lines 1-36, col 9 lines 10-47), Wallentin comes to disclose the acknowledgement of received data packets transmitted from a packet buffer to the UTRAN system (see col 7 lines 43-61), thus Wallentin discloses an acknowledgement of receipt is sent on receiving data.

Since both Winberg, Helmersen and Wallentin teach method and system for channel switching in UTRAN system, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg's teachings, as modified by Helmersen, and have an acknowledgement of receipt is sent on receiving data, taught by Wallentin, to improve the system discussed by Winberg (see page 1 lines 10-32, page 2 lines 1-30).

Consider claims 2 and 7, (Original) a method of transfer of a call connection according to claims 1 and 6, Winberg, as modified by Helmersen, teaches in which for a shared channel call connection, upon the parameter value being determined as being less than a predetermined threshold, transfer is made to dedicated channels (page 9 lines 14-30).

Consider claims 3 and 8, (Original) A method of transfer of a call connection according to claim 1 or claim 2 and claim 6, Winberg, as modified by Helmersen, teaches in which for a dedicated channel call connection, upon the parameter value being determined as being more than a predetermined threshold, transfer is made to shared channels (page 10 lines 4-20).

Consider claims 5 and 10, (Original) A method of transfer of a call connection according to claims 1 and 6, Winberg, as modified by Helmersen, further teaches in which the shared channels are a Random Access Channel (RACH) and a Forward Access Channel (FACH), the base station comprises a radio network controller, and the base station and user terminal operate to transfer the call connection in accordance with the Universal Mobile Telecommunication System (UMTS) standard (the abstract, page 3 lines 28-31, page 4 lines 12-18, page 5 lines 6-30).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617